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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Plaintiffs,  
WARNER BROS. RECORDS INC.;  
VIRGIN RECORDS AMERICA, INC.;  
BMG MUSIC; MAVERICK RECORDING  
COMPANY; INTERSCOPE RECORDS;  
SONY BMG MUSIC ENTERTAINMENT;  
and ARISTA RECORDS LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JCS

WARNER BROS. RECORDS INC., a Delaware  
corporation; VIRGIN RECORDS AMERICA,  
INC., a California corporation; BMG MUSIC, a  
New York general partnership; MAVERICK  
RECORDING COMPANY, a California joint  
venture; INTERSCOPE RECORDS, a California  
general partnership; SONY BMG MUSIC  
ENTERTAINMENT, a Delaware general  
partnership; and ARISTA RECORDS LLC, a  
Delaware limited liability company,  
Plaintiffs,

v.

JOHN DOE,  
Defendant.

CASE NO.

**EX PARTE APPLICATION FOR LEAVE  
TO TAKE IMMEDIATE DISCOVERY**

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1 Plaintiffs, through their undersigned counsel, pursuant to Federal Rules of Civil Procedure 26  
2 and 45, the Declaration of Carlos Linares, and the authorities cited in the supporting Memorandum  
3 of Law, hereby apply *ex parte* for an Order permitting Plaintiffs to take immediate discovery.

4 In support thereof, Plaintiffs represent as follows:

5 1. Plaintiffs, record companies who own the copyrights in the most popular sound  
6 recordings in the United States, seek leave of the Court to serve limited, immediate discovery on a  
7 third party Internet Service Provider ("ISP") to determine the true identities of Doe Defendants, who  
8 are being sued for direct copyright infringement.

9 2. As alleged in the complaint, the Defendant John Doe, without authorization, used an  
10 online media distribution system to download Plaintiffs' copyrighted works and/or distribute  
11 copyrighted works to the public. Although Plaintiffs do not know the true names of Defendants  
12 John Doe, Plaintiffs have identified Defendant by a unique Internet Protocol ("IP") address assigned  
13 to Defendant on the date and time of Defendant's infringing activity.

14 3. Plaintiffs intend to serve a Rule 45 subpoena on the ISP seeking documents that  
15 identify Defendant's true name, current (and permanent) address and telephone number, e-mail  
16 address, and Media Access Control ("MAC") address. Without this information, Plaintiffs cannot  
17 identify the Doe Defendants or pursue their lawsuit to protect their copyrighted works from repeated  
18 infringement.

19 4. Good cause exists to allow Plaintiffs to conduct this limited discovery in advance of a  
20 Rule 26(f) conference where there are no known defendants with whom to confer.

21 WHEREFORE, Plaintiffs apply *ex parte* for an Order permitting Plaintiffs to conduct the  
22 foregoing requested discovery immediately.

23 Dated: June 13, 2007

HOLME ROBERTS & OWEN LLP

24  
25 By: 

26 MATTHEW FRANKLIN JAKSA  
27 Attorney for Plaintiffs  
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